

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Josef Beck	Examiner:	Unassigned
Serial No.:	10/535,072	Art Unit:	Unassigned
Filed:	May 13, 2005	Docket:	18767
For:	AXIAL PISTON MACHINE, RECOIL PLATE AND METHOD OF MANUFACTURING A RECOIL PLATE	Conf. No.:	8531
		Dated:	January 2, 2007

Mail Stop PCT
Attention: PCT Legal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Sir:

This is a petition to have the Notification of Abandonment dated July 12, 2006 and issued in connection with the above-identified U.S. national phase application withdrawn. Attached hereto is a check in the amount of \$130.00 for the required Petition fee.

01/10/2007 MKAYPAGH 00000080 10535072

01 FC:1464

130.00 DP

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 2, 2007.

Dated: January 2, 2007


Edward W. Grolz

A U.S. national phase application was submitted to the United States Patent and Trademark Office under 35 U.S.C. §371 on May 13, 2005 and was accorded U.S. Serial No. 10/535,072. A Notification of Missing Requirements dated December 1, 2005 was issued (copy attached). The undersigned attorney for applicant filed a response dated March 1, 2006 submitting the required inventor's declaration, together with a payment for a one-month extension of time. The late declaration fee had previously been paid at the time of filing the application. A copy of the filed response, together with a copy of the postcard acknowledging receipt of the response is attached as well.

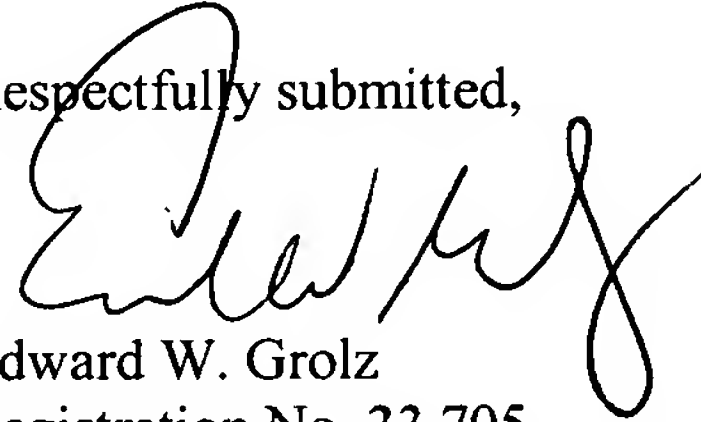
Subsequently, the undersigned received a Notification of Abandonment (copy attached) dated July 12, 2006 indicating the abandonment of the application for failure to respond to the Notification of Missing Requirements. Upon receipt of the notification, the undersigned made several telephone calls to Mr. Darrell C. Cottman attempting to rectify this matter. Although the undersigned never reached Mr. Cottman, several voice messages were made explaining the situation.

Most recently, having not heard any developments, the undersigned once again telephoned Mr. Cottman. Mr. Cottman did answer the call and it was during this conversation with Mr. Cottman on December 20, 2006 that it was realized that the response to the notification of Missing Requirements filed on March 1, 2006 incorrectly referred to U.S. Serial No. 10/535,078, rather than the correct serial no of 10/535,072.

We believe this error was one that was should have been obvious on the face of the response as clearly the inventor would not have matched up with the indicated serial number on the response and was also accompanied by a copy of the notification of Missing Requirements which clearly correctly identified the application in issue.

Nevertheless, we can see where the error occurred which led to the issuance of the Notification of Abandonment. In light of the circumstances, however, it is respectfully requested that the filed response submitting the required declaration be accepted as having been timely filed and the Notification of Abandonment be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward W. Grolz', written over the typed name.

Edward W. Grolz
Registration No. 33,705
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, PC
400 Garden City Plaza
Suite 300
Garden City, New York 11530
(516) 742-4343

EWG/cl



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,072	Josef Beck	18767

23389
 SCULLY SCOTT MURPHY & PRESSER, PC
 400 GARDEN CITY PLAZA
 SUITE 300
 GARDEN CITY, NY 11530

INTERNATIONAL APPLICATION NO.

PCT/EP03/12526

I.A. FILING DATE

PRIORITY DATE

11/10/2003

11/15/2002

CONFIRMATION NO. 8531

371 FORMALITIES LETTER



OC000000017529473

Date Mailed: 12/01/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/13/2005
- English Translation of the IA filed on 05/13/2005
- Copy of the International Search Report filed on 05/13/2005
- Copy of IPE Report filed on 05/13/2005
- Preliminary Amendments filed on 05/13/2005
- U.S. Basic National Fees filed on 05/13/2005
- Priority Documents filed on 05/13/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

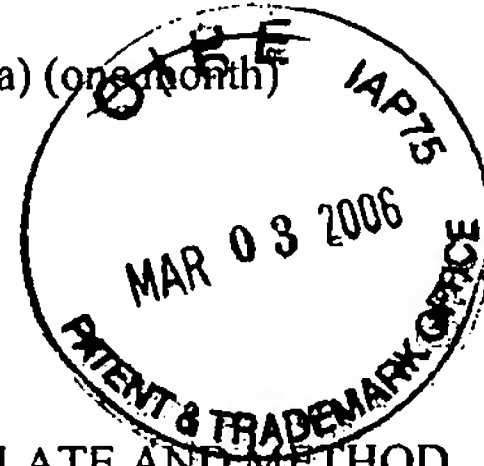
PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,072	PCT/EP03/12526	18767

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
2. Response to Notification of Missing Requirements (in duplicate)
3. Executed Declaration and Power of Attorney
4. Petition for Extension of Time Under 37 CFR 1.36(a) (one month)
5. Check in the amount of \$120.00
6. Certificate of Mailing dated March 1, 2006

Applicant: Josef Beck
Filed: May 13, 2005
Serial No.: 10/535,078
For: AXIAL PISTON MACHINE, RECOIL PLATE AND METHOD
OF MANUFACTURING A RECOIL PLATE
Docket: 18767
Dated: March 1, 2006
EWG/cl



AP3 Rec'd PCT/PTO 03 MAR 2006

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
18767

In Re Application Of: Josef Beck

Application No. 10/535,078	Filing Date May 13, 2005	Examiner Unassigned	Customer No. 23389	Group Art Unit Unassigned	Confirmation No. 8531
-------------------------------	-----------------------------	------------------------	-----------------------	------------------------------	--------------------------

Invention: **AXIAL PISTON MACHINE, RECOIL PLATE AND METHOD OF MANUFACTURING A RECOIL PLATE**

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of December 1, 2005 above-identified application.
Date

The requested extension is as follows (check time period desired):

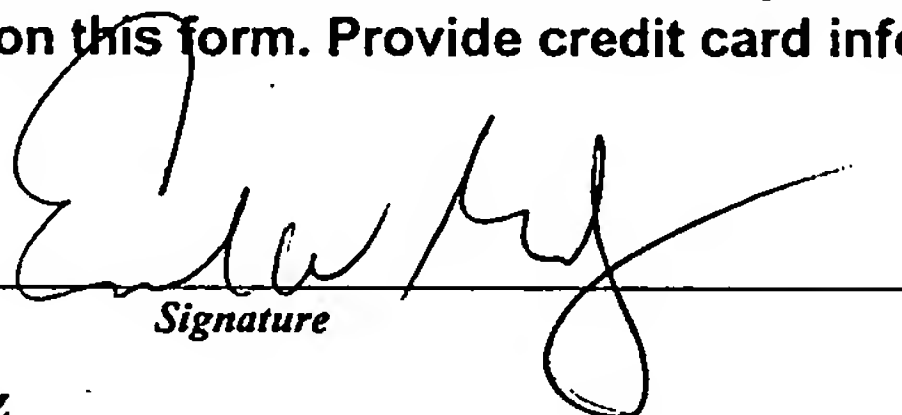
☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: February 1, 2006 until: March 1, 2006
Date *Date*

The fee for the extension of time is \$120 and is to be paid as follows:

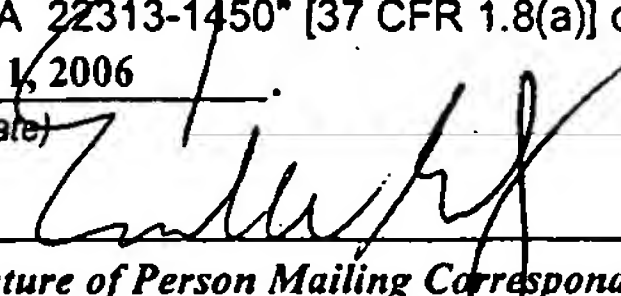
- ☒ A check in the amount of the fee is enclosed.
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-1013/SSMP
☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Edward W. Grolz
Reg. No. 33,705

Dated: March 1, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>March 1, 2006</u> <i>(Date)</i>	
 <i>Signature of Person Mailing Correspondence</i>	
Edward W. Grolz <i>Typed or Printed Name of Person Mailing Correspondence</i>	

EWG/cl

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Josef Beck	Examiner:	Unassigned
Serial No.:	10/535,078	Art Unit:	Unassigned
Int'l Appln. No.:	PCT/EP03/12526	Docket:	18767
Filed:	May 13, 2005	Conf. No.:	8531
Int'l Filing Date:	November 10, 2003		
For:	AXIAL PISTON MACHINE, RECOIL PLATE AND METHOD OF MANUFACTURING A RECOIL PLATE	Dated:	March 1, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF DECLARATION
AND POWER OF ATTORNEY**

Sir:

Pursuant to the Notification of Missing Requirements dated December 1, 2005, enclosed is a Declaration and Power of Attorney for the above application previously filed without a declaration. The requisite \$130.00 surcharge for this filing was previously paid on May 13, 2005. Also enclosed is a Petition for Extension of Time and a check in the amount of \$120.00. A copy of the Notification Of Missing Requirements is enclosed as required.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 1, 2006.

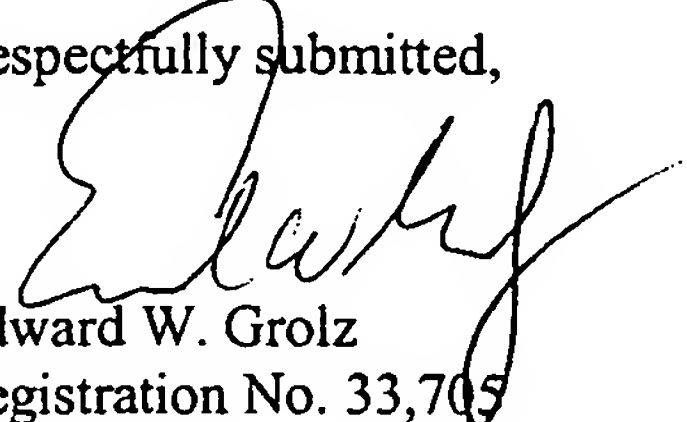
Dated: March 1, 2006


Edward W. Grolz

Any additional charges required in connection with this submission may be charged to Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

This submission is believed to be timely and in compliance with 37 C.F.R. §§1.51, 1.63.

Respectfully submitted,



Edward W. Grolz
Registration No. 33,705

SCULLY, SCOTT, MURPHY & PRESSER, PC
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

EWG/cl

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

AXIAL PISTON MACHINE, RECOIL PLATE AND METHOD OF MANUFACTURING A RECOIL PLATE

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 10, 2003 as PCT International Application Serial No. PCT/EP03/12526
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number	Country	Date of Filing Day/Month/Year	Priority Claimed Under 35 U.S.C. 119
102 53 379.2	Germany	15/11/2002	X YES <input type="checkbox"/> NO
103 00 070.4	Germany	03/01/2003	X YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status

Application Serial No.

Filing Date

Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CUSTOMER NO. 00272

Address all telephone calls to Leopold Presser at telephone no. 516-742-4343

Address all correspondence to Leopold Presser, Scully, Scott, Murphy & Presser, 400 Garden City Plaza, Suite 300, Garden City, New York 11530

Full name of sole or first inventor	
Josef Beck	
Sole or first inventor's signature	Date
<i>Josef Beck</i>	<i>14. April 2005</i>
Residence	
Schillingstrasse 25, D-78050 Villingen-Schwenningen, Germany	
Citizenship	
German	
Post Office Address	
Same as above	